



April 3, 2015

ENGROSSED HOUSE BILL No. 1311

DIGEST OF HB 1311 (Updated April 1, 2015 4:16 pm - DI 110)

Citations Affected: IC 7.1-3; IC 16-18; IC 16-42.

Synopsis: Alcoholic beverage issues. Requires brewers that are permitted to sell beer by the glass to make food available for consumption on the brewery premises. (Current law requires brewers that are permitted to sell beer by the glass to furnish the minimum food requirements as prescribed by the alcohol and tobacco commission (commission)). Provides that the holder of a farm winery permit or a small brewer's permit that provides only wine or beer by the glass at a festival, fair, or other temporary location and does not provide food: (1)
(Continued next page)

Effective: July 1, 2015.

Clere, Dermody, Forestal, Macer

(SENATE SPONSORS — ALTING, RANDOLPH)

January 13, 2015, read first time and referred to Committee on Public Policy.
February 17, 2015, amended, reported — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.
February 24, 2015, engrossed. Read third time, passed. Yeas 87, nays 7.

SENATE ACTION

March 2, 2015, read first time and referred to Committee on Public Policy.
April 2, 2015, amended, reported favorably — Do Pass.

EH 1311—LS 7092/DI 87



Digest Continued

is exempt from the sanitation requirements governing food establishments; and (2) may not be subject to local government licensure, registration, or certification. Allows a small brewer, with the approval of the commission, to participate in a trade show or an exposition for not more than 45 days in a calendar year. Allows a small brewer to store or condition beer in a building separate from the brewery that is owned or leased by the brewer. Provides that to qualify for an artisan distiller's permit, a person must hold at least a majority ownership interest (instead of 100% ownership interest) in the entity that holds a farm winery, brewer's, or distiller's permit. Provides that a township or county (in addition to a city or town) may not regulate a liquor retailer's business or affect a person's ability to hold a liquor retailer's permit. Repeals a provision requiring the clerk of a city or town to certify and mail to the commission an ordinance regulating a liquor retailer in violation of the law.



April 3, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1311

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-2-7, AS AMENDED BY P.L.71-2012,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 7. The holder of a brewer's permit or an
4 out-of-state brewer holding either a primary source of supply permit or
5 an out-of-state brewer's permit may do the following:
6 (1) Manufacture beer.
7 (2) Place beer in containers or bottles.
8 (3) Transport beer.
9 (4) Sell and deliver beer to a person holding a beer wholesaler's
10 permit issued under IC 7.1-3-3.
11 (5) If the brewer's brewery manufactures not more than thirty
12 thousand (30,000) barrels of beer in a calendar year for sale or
13 distribution within Indiana, the permit holder may do the
14 following:
15 (A) Sell and deliver beer to a person holding a retailer or a

EH 1311—LS 7092/DI 87



dealer permit under this title.

(B) Be the proprietor of a restaurant.

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

(i) bulk containers; or

(ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must ~~furnish the minimum food requirements prescribed by the commission.~~ **make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:**

(i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.

(ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.

(iii) Providing food prepared at the brewery.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

(i) individually; or



(ii) with other permit holders under this chapter;
 in a trade show or an exposition at which products of each
 permit holder participant are displayed, promoted, and
 sold. The commission may not grant to a holder of a permit
 under this chapter approval under this clause to
 participate in a trade show or exposition for more than
 forty-five (45) days in a calendar year.

(K) Store or condition beer in a secure building that is:

(i) separate from the brewery; and

(ii) owned or leased by the permit holder.

A brewer may not sell or transfer beer directly to a
 permittee or consumer from a building described in this
 clause.

(6) If the brewer's brewery manufactures more than thirty
 thousand (30,000) barrels of beer in a calendar year for sale or
 distribution within Indiana, the permit holder may own a portion
 of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than thirty thousand (30,000) barrels of
 beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under
 subdivision (5).

(7) Provide complimentary samples of beer that are:

(A) produced by the brewer; and

(B) offered to consumers for consumption on the brewer's
 premises.

(8) Own a portion of the corporate stock of a sports corporation
 that:

(A) manages a minor league baseball stadium located in the
 same county as the brewer's brewery; and

(B) holds a beer retailer's permit, a wine retailer's permit, or a
 liquor retailer's permit for a restaurant located in that stadium.

(9) For beer described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the beer
 on the licensed premises; and

(B) may not sell, offer to sell, or allow sale of the beer on the
 licensed premises.

SECTION 2. IC 7.1-3-9-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. ~~Certain Local~~
~~Ordinances Proscribed:~~ (a) A city, or town, **township, or county** shall
 not enact an ordinance, **resolution, policy, or rule** which in any way,
 directly or indirectly, regulates, restricts, enlarges, or limits the



operation or business of the holder of a liquor retailer's permit as provided in this title.

(b) A city, ~~or town,~~ **township, or county** shall not enact an ordinance, **resolution, policy, or rule** covering any other business or place of business for the conduct of it in such a way as to prevent or inhibit the holder of a liquor retailer's permit from being qualified to obtain or continue to hold the permit, or operate to interfere with or prevent the exercise of the permittee's privileges under the permit.

SECTION 3. IC 7.1-3-9-7 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 7: Ordinance Sent to Commission: The city clerk or town clerk of a city or town in which an ordinance proseribed by IC 1971, 7.1-3-9-6, has been enacted, shall, immediately upon the enactment, certify a copy of the ordinance and mail it by registered mail to the commission. The commission, out of its expenses, shall pay the clerk one dollar (\$1.00), for his services in the matter.~~

SECTION 4. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The holder of a farm winery permit:

(1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

(A) holds an employee permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission;

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that ~~is operated on a nonprofit basis;~~ **meets the requirements of IC 7.1-3-1.2;**

(5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;

(6) is exempt from the provisions of IC 7.1-3-14;

(7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;

(8) for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on



- 1 the licensed premises;
 2 (9) is entitled to purchase and sell bulk wine as set forth in this
 3 chapter;
 4 (10) is entitled to sell wine as authorized by this section for
 5 carryout on Sunday; and
 6 (11) is entitled to sell and ship the farm winery's wine to a person
 7 located in another state in accordance with the laws of the other
 8 state.
- 9 (b) With the approval of the commission, a holder of a permit under
 10 this chapter may conduct business at not more than three (3) additional
 11 locations that are separate from the winery. At the additional locations,
 12 the holder of a permit may conduct any business that is authorized at
 13 the first location, except for the manufacturing or bottling of wine.
- 14 (c) With the approval of the commission, a holder of a permit under
 15 this chapter may, individually or with other permit holders under this
 16 chapter, participate in a trade show or an exposition at which products
 17 of each permit holder participant are displayed, promoted, and sold.
 18 The commission may not grant approval under this subsection to a
 19 holder of a permit under this chapter for more than forty-five (45) days
 20 in a calendar year.
- 21 SECTION 5. IC 7.1-3-27-5, AS ADDED BY P.L.109-2013,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2015]: Sec. 5. (a) Except as provided in section 7 of this
 24 chapter, an applicant for an artisan distiller's permit must meet all the
 25 following requirements to be eligible for an artisan distiller's permit:
- 26 (1) The permit applicant must hold one (1) of the following
 27 permits for the three (3) year period immediately preceding the
 28 date of the application:
- 29 (A) A farm winery permit under IC 7.1-3-12.
 30 (B) A brewer's permit for a brewery described in
 31 IC 7.1-3-2-7(5).
 32 (C) A distiller's permit under IC 7.1-3-7.
- 33 (2) The permit applicant may not have more than one (1) violation
 34 of this title during the three (3) year period immediately preceding
 35 the date of the application.
- 36 (3) The permit applicant may not have any violation of this title
 37 during the twelve (12) month period immediately preceding the
 38 date of the permit application.
- 39 (b) As used in this subsection, "qualifying permit" means a farm
 40 winery, brewer's, or distiller's permit under subsection (a)(1)(A),
 41 (a)(1)(B), or (a)(1)(C) that is required in order to hold an artisan
 42 distiller's permit. The same persons must directly or indirectly own and



control ~~one hundred percent (100%)~~ **more than fifty percent (50%)** of the entity that holds the qualifying permit and the artisan distiller's permit.

SECTION 6. IC 16-18-2-137, AS AMENDED BY P.L.86-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 137. (a) "Food establishment", for purposes of IC 16-42-5 and IC 16-42-5.2, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

(b) The term does not include the following:

(1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(2) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

(A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

(B) the gathering is for a purpose of the organization.

Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for an organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;

unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(6) Except for food prepared by a for-profit entity, an Indiana



1 nonprofit organization that:

2 (A) is organized for civic, fraternal, veterans, or charitable
3 purposes;

4 (B) is exempt from taxation under Section 501 of the Internal
5 Revenue Code; and

6 (C) offers food for sale to the final consumer at an event held
7 for the benefit of the organization;

8 if the events conducted by the organization take place for not
9 more than fifteen (15) days in a calendar year.

10 (7) An individual vendor of a farmer's market or roadside stand if
11 the individual meets the requirements of IC 16-42-5-29.

12 **(8) The holder of a farm winery permit under IC 7.1-3-12-5 or**
13 **a brewer's permit under IC 7.1-3-2-7(5) if the requirements**
14 **of IC 16-42-5-30 are met.**

15 SECTION 7. IC 16-42-5-30 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2015]: Sec. 30. (a) As used in this section, "permit holder" means
18 the holder of:

19 (1) a farm winery permit under IC 7.1-3-12-5; or

20 (2) a brewer's permit under IC 7.1-3-2-7(5).

21 (b) A permit holder that sells or furnishes alcoholic beverages
22 by the glass at a festival, fair, or other temporary location
23 authorized by the permit holder's permit under IC 7.1, is not
24 considered to be a food establishment and is exempt from the
25 requirements of this title that apply to food establishments, if the
26 following requirements are met:

27 (1) The holder of a farm winery permit furnishes only the
28 following for consumption on the premises, regardless of
29 whether there is a charge:

30 (A) Wine samples.

31 (B) Wine by the glass.

32 The holder may not serve or furnish any food, including any
33 fruit, condiment, flavoring, or garnish added to the wine after
34 the wine is poured from its original container.

35 (2) The holder of a brewer's permit furnishes only the
36 following for consumption on the premises, regardless of
37 whether there is a charge:

38 (A) Beer samples.

39 (B) Beer by the glass.

40 The holder may not serve or furnish any food, including any
41 fruit, condiment, flavoring, or garnish added to the beer after
42 the beer is poured from its original container.



1 (c) A local unit of government (as defined in IC 14-22-31.5-1)
2 may not require any licensure, registration, or certification of a
3 permit holder as a condition of providing alcoholic beverages at a
4 festival, fair, or other temporary location authorized by the permit
5 holder's permit under IC 7.1, if the permit holder meets the
6 requirements of this section.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 13.

Page 1, line 14, delete "3." and insert "2.".

Page 2, line 4, delete "4." and insert "3.".

Page 2, line 19, after "Indiana." insert "**The commission may issue a brewer's permit under this subsection for a brewery that manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana if the brewer holds more than one (1) brewer's permit and manufactures, at all of the brewer's breweries located in Indiana, an aggregate of more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.**"

Page 2, line 34, after "Indiana." insert "**The commission may issue more than one (1) permit under this subsection to a brewer if the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.**"

Page 3, line 14, strike "brewer's brewery" and insert "**brewer**".

Page 3, line 14, after "manufactures" insert ", **at all of the brewer's breweries located in Indiana, an aggregate of**".

Page 3, line 18, after "deliver" insert "**a total of not more than thirty thousand (30,000) barrels of**".

Page 3, line 36, reset in roman "must".

Page 3, line 36, delete "are not required to".

Page 3, line 36, strike "furnish the minimum".

Page 3, line 37, strike "food requirements prescribed by the commission." and insert "**make food available for consumption on the premises. The food may be prepared in a reasonably close proximity to the brewer's premises. The brewer may comply with the requirements of this clause by doing any of the following:**

(i) **Placing menus in the brewer's premises of nearby restaurants that will deliver food to the brewery.**

(ii) **Provide food that the brewery has prepared.**

Page 4, delete lines 8 through 15.

Page 4, line 16, delete "(K)" and insert "(J)".

Page 4, line 25, delete "(L)" and insert "(K)".



Page 6, line 38, strike "brewer" and insert "**brewery**".

Page 7, line 8, after "manufactures" insert "**at any one (1) brewery**".

and when so amended that said bill do pass.

(Reference is to HB 1311 as introduced.)

DERMODY

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1311 be amended to read as follows:

Page 3, line 25, after "beer" insert "**in a calendar year**".

Page 3, line 26, after "title." insert "**The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.**".

Page 7, line 14, delete "manufactures at any one (1) brewery" and insert "manufactures, **in aggregate**,".

Page 7, line 29, strike "for a brewery described in".

Page 7, line 30, strike "IC 7.1-3-2-7(5)." and insert "**issued under IC 7.1-3-2-2(b).**".

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 10. IC 7.1-3-27-6, AS AMENDED BY P.L.70-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5).~~
issued under IC 7.1-3-2-2(b).

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C).

SECTION 11. IC 7.1-3-27-13, AS AMENDED BY P.L.159-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) This section applies only to a person who:



- (1) holds an artisan distiller's permit; and
- (2) holds an interest in a brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5);~~ **issued under IC 7.1-3-2-2(b).**

(b) An artisan distiller may:

- (1) serve samples of liquor that the artisan distiller manufactures; and
- (2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the beer is manufactured only if the beer is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor."

Page 8, line 19, strike "for the".

Page 8, line 20, strike "manufacture of not more than".

Page 8, line 20, delete "ninety".

Page 8, line 21, delete "thousand (90,000)".

Page 8, line 21, strike "barrels of beer in a calendar year for sale or".

Page 8, line 22, strike "distribution within Indiana" and insert **"described in IC 7.1-3-2-2(b)".**

Page 8, between lines 22 and 23, begin a new paragraph and insert:
 "SECTION 14. IC 7.1-5-3-1, AS AMENDED BY P.L.159-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This section does not apply to the following:

(1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5);~~ **issued under IC 7.1-3-2-2(b).**

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5);~~ **issued under IC 7.1-3-2-2(b).**

(b) Except as provided in section 6 of this chapter, it is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

SECTION 15. IC 7.1-5-3-4, AS AMENDED BY P.L.159-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 4. (a) This section does not apply to the following:

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor."

Page 8, line 26, after "manufactures" insert ", **in aggregate,**".

Page 8, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 17. IC 7.1-5-9-6, AS AMENDED BY P.L.159-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to the holder of an artisan distiller's permit that has an interest in a brewer's permit ~~under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor."

Page 8, line 42, strike "for a brewery that manufactures not more".

Page 9, line 1, strike "than".

Page 9, line 1, delete "ninety thousand (90,000)".

Page 9, line 1, strike "barrels".

Page 9, strike line 2 and insert "**issued under IC 7.1-3-2-2(b);**".

Page 9, between lines 7 and 8, begin a new paragraph and insert:



"SECTION 19. IC 9-21-4-5, AS AMENDED BY P.L.94-2008, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and
- (2) encompasses buildings, structures, sites, or other facilities that are:
 - (A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or
 - (B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

(d) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment ~~licensed under IC 7.1-3-2-7(5): issued a brewer's permit under IC 7.1-3-2-2(b).~~

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.



(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs."

Renumber all SECTIONS consecutively.

(Reference is to HB 1311 as printed February 17, 2015.)

CLERE

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 4.

Page 5, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-2-7, AS AMENDED BY P.L.71-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer's brewery manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:
 - (A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.
 - (B) Be the proprietor of a restaurant.
 - (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
 - (D) Transfer beer directly from the brewery to the restaurant by means of:



- (i) bulk containers; or
- (ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must ~~furnish the minimum food requirements prescribed by the commission.~~ **make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:**

(i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.

(ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.

(iii) Providing food prepared at the brewery.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

(i) individually; or

(ii) with other permit holders under this chapter;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.



(K) Store or condition beer in a secure building that is:

- (i) separate from the brewery; and**
- (ii) owned or leased by the permit holder.**

A brewer may not sell or transfer beer directly to a permittee or consumer from a building described in this clause.

(6) If the brewer's brewery manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than thirty thousand (30,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

- (A) produced by the brewer; and
- (B) offered to consumers for consumption on the brewer's premises.

(8) Own a portion of the corporate stock of a sports corporation that:

- (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
- (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

(9) For beer described in IC 7.1-1-2-3(a)(4):

- (A) may allow transportation to and consumption of the beer on the licensed premises; and
- (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises."

Page 7, delete lines 3 through 22.

Page 7, line 32, reset in roman "for a brewery described in".

Page 7, line 33, reset in roman "IC 7.1-3-2-7(5)".

Page 7, line 33, delete "issued under IC 7.1-3-2-2(b)".

Page 8, delete lines 6 through 42.



Delete pages 9 through 11.

Page 12, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1311 as reprinted February 24, 2015.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

